

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

V. J. MAGEE,)	
)	
Claimant,)	IC 00-020426
)	
v.)	
)	ORDER
THOMPSON CREEK MINING)	
COMPANY,)	Filed October 15, 2004
)	
Employer,)	
)	
and)	
)	
ACE FIRE UNDERWRITERS)	
INSURANCE COMPANY,)	
)	
Surety,)	
)	
Defendants.)	
)	

Pursuant to Idaho Code § 72-717, Referee Michael E. Powers submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant suffered an injury caused by an accident arising out of and in the course of his employment on May 6, 2000.
2. Claimant is entitled to permanent partial impairment benefits equaling 10% of the whole person with no apportionment for pre-existing conditions.
3. Claimant is not entitled to continuing medical care.
4. Claimant is entitled to permanent partial disability benefits equaling 50% of the whole person inclusive of his permanent partial impairment.

5. Apportionment of permanent partial disability benefits pursuant to Idaho Code § 72-406 is not appropriate.

6. Claimant is entitled to be reimbursed for any payments made to Dr. Kurtz and Defendants are liable for any unpaid balance.

7. Claimant is entitled to be reimbursed for mileage to obtain medical treatment.

8. Claimant is entitled to be reimbursed for any payments made for prescriptions prescribed by Dr. Kurtz and Defendants are liable for any unpaid balance with the exception of one prescription for Amaryl.

9. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this __15th__ day of __October____, 2004.

INDUSTRIAL COMMISSION

_____/s/_____
R.D. Maynard, Chairman

Dissent without comment
Thomas E. Limbaugh, Commissioner

_____/s/_____
James F. Kile, Commissioner

ATTEST:

_____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the __15th__ day of __October____, 2004, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following persons:

EMIL F PIKE JR
PO BOX 302
TWIN FALLS ID 83303-0302

GLENN M CHRISTENSEN
PO BOX 829
BOISE ID 83701-0829

ge _____/s/_____